

PART II - THE CABINET

The Council established the Cabinet as its Executive body within the meaning of the Local Government Act 2000 and regulations made thereunder, to exercise the following functions of the Council:-

- a) To make recommendations on matters reserved for determination by the full Council, as listed in Part III of the Constitution.
- b) To consider matters relating to the overall coordination of Council affairs and approve any action required as a consequence.
- c) To consider matters relating to the development of the Council's improvement agenda, and approve any action required as a consequence.
- d) To receive reports monitoring the overall performance of Council services from the External Auditor or arising from external inspection or assessment, and to approve action plans arising therefrom.
- e) To approve, or approve variations to, strategies and policies, operational plans, programmes, and procedures, which are consistent with the budget and policy framework determined by the full Council.
- f) To approve variations to overall capital or revenue programmes in respect of the costs of schemes which cannot be contained within the budgetary allocation for the service concerned.
- g) To approve the allocation of additional funding received from whatever source where that funding has not been provided for a particular purpose (i.e. is not ringfenced) and so the authority has discretion as to its application, and to vary the capital or revenue programme accordingly.
- h) To receive petitions and references from Scrutiny Committees and Area Councils, and approve any action required in response to these.
- i) To approve matters that fall within the definition of a Key Decision.
- k) To nominate or appoint Members to outside bodies, except where the approval of full Council is required.
- l) To approve the framework and schemes of delegation for partnerships with other local public agencies, private companies, voluntary organisations and community groups for the delivery of services to local people and to report to Council, as appropriate, on the performance of services delivered through such arrangements.

Note: Where a proposal will have a significant impact on a specific ward or wards or a specific parished area, in comparison with the borough as a whole, officers should consult the relevant Local Members and / or Parish / Town

Council(s) on those issues prior to the submission of reports to Cabinet for approval, subject to consultation with the relevant Cabinet Spokesperson(s) in order that she/he may consult Cabinet colleagues, if appropriate.

Delegated Decision-Making by Cabinet Members

Cabinet Spokespersons will have power to determine all such matters that, under legislation, are directly vested in the Executive of the Council and relate to their respective Portfolio of responsibility as detailed below, which are not matters reserved for decision by the full Council or by the Cabinet, nor delegated to an officer as identified Executive functions. The authority conferred by these delegations to Cabinet Spokespersons will not prevent the determination of any matter by the Cabinet on the reference of such matter by the relevant Cabinet Spokesperson.

Leader of the Council

To appoint the Cabinet and determine responsibility for Executive functions; to appoint Area Council Chairs; to Chair meetings of the Cabinet; to lead on policy and budget matters;

Responsibility for issues relating to: Community planning (especially the borough-wide Community Strategy and Planning; Regeneration (in its broadest sense); sub-regional, regional and European issues.

Deputy Leader of the Council

To deputise for the Leader of the Council, when necessary; Responsibility for issues in the Core Services Directorate relating to Legal Services, Elections and Land Charges and the Governance support to Joint Authorities, and ceremonial aspects of the Registration Service; Licensing matters that fall within the purview of the Executive of the Council; Issues relating to Public Health Protection, including Regulatory Services, Trading Standards / Environmental Health, including the Dog Warden service, the Core Offer to the Clinical Commissioning Group for Health Care and Health Improvement and Public Health Strategy and Advice.

Cabinet Spokesperson without Portfolio

Responsibility for issues relating to: the training and development of Elected Members and the provision of the necessary facilities to perform their duties effectively; Member representation on and attendance at Council bodies and outside organisations; Issues relating to the management and organisation of Cabinet business; Responsibility for issues in the Core Services Directorate relating to Governance and Member Support Business Unit.

Core Services Spokesperson

Responsibility for issues relating to: Taxation and Benefits assessments (including free school meals administration) and Debt Recovery; Commercial and Transactional Services including financial assessments; Accounting, Budgeting and Professional and Specialist Finance; Risk Management, Internal Audit and Corporate Fraud; Corporate Commissioning, Procurement and Contracting; Human Resources Business Advisory Service; Schools and Traded Services; Pay, Reward and Recruitment; Organisational Management and Talent Management; Business Intelligence; Customer Feedback and Improvement; Disclosure and Barring Service; Employee

Wellbeing/Occupational Health Unit; Health, Safety and Emergency Resilience; Performance Management Organisational and Workforce/Member Development; Corporate Programmes and Projects; Consultation; Change Management and Business Improvement; Support for Overview and Scrutiny; Communications and Marketing; Equality and Inclusion.

Communities Spokesperson

Responsibility for issues relating to: Customer Services/Contact Point; Customer Services development, including Digital Strategy, web content and design; Records Management; Information Technology hardware and software development, configuration and maintenance; Application training and customer liaison/support; IT procurement; Business analysis; Council's information governance and security; Applications Management and Support (web mobile working); Libraries; Welfare Rights; Disable Facilities Grants/Equipment and Adaptations; Independent Living at Home Services, Day Opportunities and Supporting Living, and Carers Support; Sensory Impairment Services; Housing Options; School Catering Services; Registration Service; Community Safety and Community Enforcement; Gypsies and travellers; Landlords; Community Safety, Domestic Violence, Victim and Witness Support; Drugs and Alcohol Service, including Prevention; Think Family and Troubled Families; Graffiti Removal; Area Councils and Community Engagement, Volunteering and relationship with Third Sector/Private Sector; Community Health and Wellbeing and Promoting Healthy Lifestyles; Community Cohesion; Clean and Green and Parks and Allotments.

To approve the issuing of Public Space Protection Orders under Part 4 Chapter 2 of the Anti-Social Behaviour, Crime and Policing Act 2014, subject to any Orders that are the subject of objections being reported to Cabinet for determination.

Place Spokesperson

Responsibility for issues relating to: Support for Business and Start Up, Business Growth and Inward Investment; Regeneration; Worklessness, Skills and Enterprise; Adult Learning and Apprenticeships; Spatial Planning and Infrastructure, including Building Control/Development Control, SYMAS and Highways Development Control; Planning Enforcement; Strategic asset management including acquisition and disposals; Property valuations, condition surveys and management of maintenance; Energy and Carbon management; Tenanted non-residential property management and management of PFI and BSF schools; Community asset transfers and assets of community value; Hybrid mail, parcel services and digital printing; Building support and portage (excluding Records Management); Town Centre Management, including Town Centre Market and strategic market development; District Markets; Housing Strategy and Growth; Private Sector Housing, Affordable Housing and Contract and Client Management for Berneslai Homes; Energy and Sustainability; Culture and Visitor Economy but excluding land assets; Bereavement Services; Waste Management and Recycling; Highways and Network Management, Bridges and Footpath Maintenance; Street Lighting; Safer Roads/School Crossing Patrol strategy and operations; Drainage and Reservoirs and Flood Management; Transport, including Home to School Travel and Looked After Children and specialist

transport, Transport Strategy including PTE, and Fleet Management; Street Cleansing, Litter Picking and Fly Tipping; Car Parks and Car Parking; Grounds Maintenance, Horticulture and Arboriculture.

People (Safeguarding) Spokesperson

To act as the Designated Leader Member for Children's Services under Section 19 of the Children Act 2004

Responsibility for issues relating to: Adult Assessment and Care Management; Safeguarding and Social Workers; Assessment Care Planning; Self Directed Support Teams; Reviews; Emergency Duty Team; Education Welfare; Social Care and Safeguarding Quality and Standards; Children's Social Care; Quality Assurance; Access, Assessment, Care Planning and Reviews; Advocacy; Adoption and Fostering; Children's Residential and Leaving Care Service; Stronger Families.

People (Achieving Potential) Spokesperson

Responsibility for issues relating to: Education Strategic Planning, including School Improvement Strategy; Improvement Advisers and Brokerage; Early Years and Family Information Services; Quality of early years provision and integrated child provision for 2-3 year olds including Children's centres; Special Educational Needs; Outdoor Education; School Admissions; School organisation and school places, including strategies for Academies and Free Schools; School Governor Services; Leaving Care Services; Integrated Youth Services; Youth Council, Youth Voice and Participation.

Protocols and Processes for Delegated Decision-Making by Cabinet Members

1. Basic Principles

- 1.1 All delegated decisions will be taken on the basis of written reports, written to the same standards as those submitted for collective Cabinet consideration.
- 1.2 In agreeing to any action proposed in the report referred to at 1.1 above, the Cabinet Spokesperson concerned must be content that all considerations relevant to the matter in question are covered adequately. The Cabinet Spokesperson places him/herself at risk in taking a decision in the absence of full information or advice. Any such decision is likely to be invalid and runs the risk of being challenged legally.
- 1.3 Where the Cabinet Spokesperson feels that any matter falling within his/her delegated powers requires collective Cabinet consideration, the Cabinet Spokesperson concerned may refer the matter to the next available Cabinet meeting for a decision.
- 1.4 Where the absence of the relevant Cabinet Spokesperson will lead to an unreasonable delay in taking a decision, the Cabinet Spokesperson without Portfolio, the Deputy Leader, or the Leader (in that order) are

authorised to determine the matter delegated to that Member. In such cases, these Members must exercise the responsibilities of the Cabinet Spokesperson set out at 1.2. These arrangements also apply where the relevant Cabinet Spokesperson has a pecuniary or non-pecuniary interest in the matter under consideration.

- 1.5 The Chief Executive and Executive Directors are responsible for ensuring that reports emanating from their service areas for consideration under this procedure are complete. They are responsible for ensuring that all appropriate consultations have been undertaken, bearing in mind the subject of the matter, and that the consultees have been given adequate time to respond.
- 1.6 Anyone consulted on a particular report is responsible for ensuring that an appropriate response is made within the consultation deadline. Anyone consulted on a particular issue will have the right to attend meetings with the Cabinet Spokesperson concerned at which the particular decision is to be taken if he/she feels this is necessary to emphasise any points of detail made in the consultation response.
- 1.7 Completed reports will be the subject of consultation with the relevant core officers on the basis of implications raised by the report, with reports also brought to the attention of all Senior Management Team members (SMT), to verify that reports are complete prior to submission for decision.
- 1.8 Decisions taken under this procedure will only be taken at meetings formally organised for that purpose. The meetings will be organised by the relevant Cabinet Members PA, in consultation with Chief Executive or Executive Directors, as appropriate, and may best be incorporated into the regular briefing meetings. Decisions made at meetings that have not been properly notified will be considered invalid.
- 1.9 The Chief Executive or Executive Directors, as appropriate, will be responsible for ensuring that appropriate records of individual Cabinet Spokespersons decisions are passed to the Service Director Governance and Member Support, who will in turn ensure that a formal record of the decision made is reported to Cabinet once the relevant Call-In period for any item has expired.
- 1.10 The Service Director Governance and Member Support will make arrangements to circulate the record of Delegated Decisions to all Members of Council and media contacts on a weekly basis, for decisions in the preceding week. Members will be able to request from the Service Director Governance and Member Support copies of relevant reports considered by Cabinet Members in taking decisions. This information will also be available to the public and press in accordance with the Access to Information and Freedom of Information procedures, subject to the relevant qualifications on exempt and confidential information.

1.11 The Overview and Scrutiny Committee will be able to review delegated decisions on the same basis as collective Cabinet decisions. The Call-In procedure will also apply where decisions have not been implemented, as described below.

2. Process

2.1 The report originator prepares a draft report and initiates consultation with relevant officers in line with the Report Writing Guidelines.

2.2 Following consultation, the report originator passes the report, together with a completed form at Annex A, to the Chief Executive or Executive Director, as appropriate, who will certify that the report is complete.

2.3 The Chief Executive or Executive Director, as appropriate, will refer the report by email to the Service Director Governance and Member Support at governance@barnsley.gov.uk

2.4 The Service Director will check the reports to confirm that the appropriate core officers have been consulted on the basis of implications raised by the report. Reports will be emailed to these officers with a request that they confirm this within 3 working days.

2.5 Reports will be emailed to other Senior Management Team (SMT) members at the same time. This will provide transparency that the process is operating effectively and allow any good practice arising from the report to be shared. SMT members will have the option of asking for the report to be discussed at the next SMT meeting.

2.6 In the event that no comments are received within the timescale, then the report will be considered to be cleared to go forward to the Cabinet Spokesperson, with SMT and the relevant Service Director / officer notified accordingly.

2.7 Any comments received will be referred to the relevant officers for action and the progress of the report delayed until this is resolved. Confirmation of the resolution of any issues should be given to the Service Director Governance and Member Support by email to the governance@barnsley.gov.uk mailbox so that the report can then progress. If amendments to the report are required, a revised version should be provided at the same time.

2.8 The Service Director Governance and Member Support will arrange for delegated reports to progress to the Spokesperson for approval at the next available briefing, in consultation with Directorate staff as appropriate.

2.9 The Cabinet Spokesperson considers the documentation, in the presence of the report originator and any other supporting officer who wishes to make comments on the issue, and satisfies him/herself that the action proposed in the report is appropriate. If content, the Cabinet

Spokesperson signs off the form covering the report to give approval to the proposed action.

- 2.10 Following approval, the relevant officer will arrange for signed reports to be passed to the Service Director Governance and Member Support. The Service Director will arrange for all Elected Members to be notified of the decision, with copies of relevant reports, by email. Members will have 3 working days to exercise the opportunity to Call-In the matter for review by the Overview & Scrutiny Committee if the proposal has not been implemented, in line with current arrangements.
- 2.11 If no Call-In request is received, the relevant officers will be advised that the decision can be implemented. Alternatively, the normal approach on review following Call-In will apply.
- 2.12 Each Friday, the Service Director Governance and Member Support will arrange for a composite record of all decisions made in the preceding week. This will be submitted to Cabinet for information at the next available meeting and be circulated to all Members of Council and media contacts.

CABINET SPOKESPERSON FOR [INSERT PORTFOLIO]

Record of a decision taken on [insert date]

Subject

(Brief description of the issue - attach detailed reports or appendices if necessary)

Key Risks Associated with the Proposed Action

(Give details)

Recommendation

(As report)

Certification by (Chief Executive or Executive Director - insert as appropriate).
Report cleared for consideration by Cabinet Spokesperson

.....

Signed

Date

Decision / Comments of the Cabinet Spokesperson

Recommendation Approved / Not Approved * by Cabinet Spokesperson
(*delete as appropriate)

.....

Signed

Date